



W.P.No.32529 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1. M/s. Hotel Radha Prasad
Rep. by its Managing Director/Partner R.R.Prasad
No.344, Brough Road
Erode 638 001.

2. R.Radha

3. R.R.Prasad

4. P.Keerthiprasad

5. R.Savithri

.. Petitioners

Vs.

M/s. City Union Bank Ltd.
Credit Recovery and Management Department
"Narayana", Administrative Office
No.24-B, Gandhi Nagar
Kumbakonam 612 001
Rep. by its Authorised Officer
V.Ganesan

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus forbearing the respondent in proceeding further by taking any measures under Chapter III of SARFAESI Act without complying with the mandatory registration by duly fulfilling



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all the legal requirements under the newly Notified Chapter IV A of the SARFAESI Act which was brought into force with effect from 24.1.2020 which mandates the compulsory registration of the security interest with the Central Registry as established by the Central Government.

For the Petitioners : Mr.P.S.Raman
Senior Counsel
For Mr.T.R.Sundaram

For the Respondent : Ms.Ananda Gomathy

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.P.S.Raman, learned Senior Counsel for Mr.T.R.Sundaram, learned counsel for the petitioners and Ms.Ananda Gomathy, learned counsel for the respondent.

2. Learned Senior Counsel for the petitioners submits that the issue raised is with regard to Section 26B read with Section 26D of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. It is submitted by learned counsel for the respondent bank that the petitioners have already challenged the order passed under



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Section 14 of the Act before the Debts Recovery Tribunal by filing a Securitisation Application bearing No.690 of 2022. Thereafter, the petitioners have filed an application before the Chief Judicial Magistrate for reopening the said proceedings. The said application is returned and the same is challenged in the present writ petition.

4. When a challenge to the order under Section 14 is already sub judice before the Debts Recovery Tribunal, then, it is open to the petitioners to work out their remedies in the pending application before the Debts Recovery Tribunal.

5. With the aforesaid observation, the present writ petition is disposed of. There shall be no order as to costs. All the contentions are kept open. Consequently, W.M.P.Nos.31934 and 31935 of 2022 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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To

Mr.V.Ganesan
Authorised Officer
M/s. City Union Bank Ltd.
Credit Recovery and Management Department
"Narayana", Administrative Office
No.24-B, Gandhi Nagar
Kumbakonam 612 001



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J

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